

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 22 2017

WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☐ Change diversion point(s) ☒ Add diversion point(s) ☒ Ownership change ☒ Ownership split

1. **APPLICANT(S)** City of Boise, Department of Parks and Recreation Phone 208-608-7600

2. **MAILING ADDRESS** 1104 Royal Boulevard City Boise

State ID Zip 83706 Email _____

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☒ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☒ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☒ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. **LIST WATER RIGHT NUMBER(S)** 63-29435

- ☒ Attach a copy of the water right(s) as recorded, available at www.idwr.idaho.gov, *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 0.08 cubic feet per second and/or 11.3 acre-feet per annum.
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at www.idwr.idaho.gov, *Water Right Transfers, Online Resources*.

New?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Y			NE	NW	17	3N	2E	Ada	Ground Water	

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Well, pump, pressurized irrigation system. Measuring device and lockable controlling works will be accommodated upon Department request.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a Lessor Designation form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an IRS Form W-9.
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and ¼ ¼ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


Signature of applicant or authorized agent

Steve Burgos, Public Works Director
Print name and title if applicable

8/15/17
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☒ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The *Fee Schedule* is available at www.idwr.idaho.gov, *Water Right Transfers, Step 4* and in the *Application for Transfer Instructions*.

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by 

Date 8/22/17

Fee paid \$2000 Date 8/22/17

Received by 

Receipt # W045607

Preliminary review by PH

Date 09/01/17

Active in the Water Supply Bank? Yes ☐ No ☒

W-9 received? Yes ☐ No ☒

Name on W-9 N/A

W-9 forwarded to fiscal? Yes ☐ No ☒

(Do NOT scan the W-9 – confidential information is held by fiscal only)



Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

6/18/2017

WATER RIGHT NO. 63-29435

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	INDEPENDENT SCHOOL DISTRICT OF BOISE CITY 8169 W VICTORY RD BOISE, ID 83709 2088544040

Priority Date: 12/31/1951
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.09 CFS	13.5 AFA
Total Diversion			0.09 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SENENW|Sec. 17|Township 03N|Range 02E|ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
03N	02E	17		NENW3										

Total Acres: 3

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. Place of use is also know as Franklin Elementary School

Dates:

Licensed Date:

Decreed Date: 05/29/2009

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

State of Idaho
Department of Water Resources

Water Right
63-29435

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.

02E



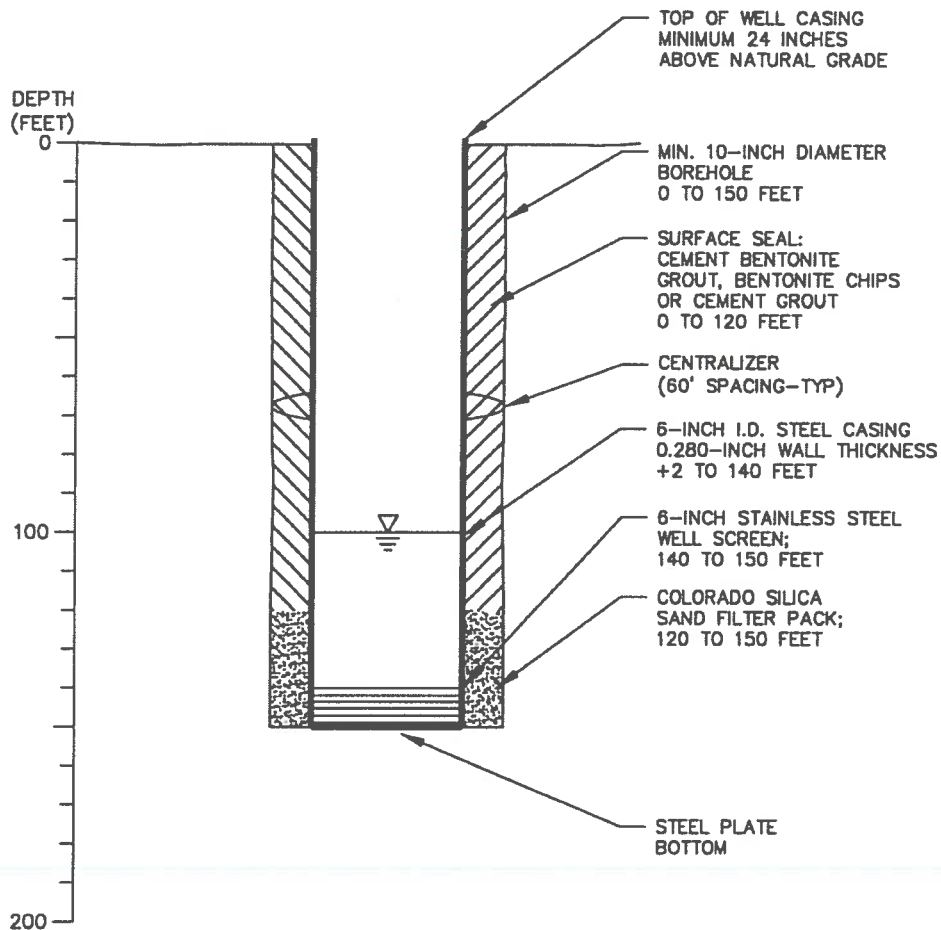
-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.035 0.07 0.14 Miles



Map produced on June 18, 2017

RECEIVED
SEP 07 2017
WATER RESOURCES
WESTERN REGION



SPF WATER
ENGINEERING

300 East Mallard Drive, Suite 350
Boise, Idaho 83706
Tel (208) 383-4140 Fax (208) 383-4156

BOISE PARKS AND RECREATION DEPT.
FRANKLIN PARK
IRRIGATION WELL PRELIMINARY DESIGN

SCALE: NTS

DRAWN BY: DB

FIGURE 2

PROJ.# 389.0840

81879 Attachments pg 5 - well design

Neely, Rachel

From: Neely, Rachel
Sent: Friday, September 15, 2017 12:22 PM
To: 'BOI Legals'
Subject: Ada Legal Ads
Attachments: Ada Cover Letter.docx; Ada Legal Notice.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 9/21/2017 & 9/28/2017.

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

September 15, 2017

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No. 63-34219
 Application for Permit No. 63-34220
 Application for Permit No. 63-34275
 Application for Permit No. 63-34364
 Application for Permit No. 63-34421
 Application for Transfer No. 81879
 Application for Transfer No. 81213

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 10/10/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-34219

RIVER STONE LLC
1500 W BANNOCK
BOISE, ID 83702
HERON LAKES DEVELOPMENT INC
2970 E RIVERNEST CT
BOISE, ID 83706
HERON RIVER HOMEOWNERS ASSOCIATION, INC.
9601 W STATE ST STE 203
BOISE, ID 83714
Points of Diversion SENW L2(NWSE) NENE S17 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER
(3)Points of Diversion SENE S17 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER
(2)Points of Diversion NWNW S16 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER
Point of Diversion SWNW S16 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 625 AF
Total Diversion: 625 AF
Date Filed: 4/19/2016
Place of Use: AESTHETIC STORAGE
T04N R01W S16 NWNW SWNW
T04N R01W S17 NENE SWNE SENE L3(NESW) L2(NWSE)
Water bearing zone to be appropriated is from 0 to 35 feet.

63-34220

RIVER STONE LLC
1500 W BANNOCK
BOISE, ID 83702
HERON LAKES DEVELOPMENT INC
2970 E RIVERNEST CT
BOISE, ID 83706
HERON RIVER HOMEOWNERS ASSOCIATION, INC.
9601 W STATE ST STE 203
BOISE, ID 83714
(2)Points of Diversion NWNW S16 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC 11/01 to 03/31 0.5 CFS
Total Diversion: 0.5 CFS
Date Filed: 4/19/2016
Place of Use: AESTHETIC
T04N R01W S16 NWNW
Water bearing zone to be appropriated is from 0 to 200 feet.

63-34275

RIVER STONE LLC
1500 W BANNOCK
BOISE, ID 83702
HERON LAKES DEVELOPMENT INC
2970 E RIVERNEST CT
BOISE, ID 83706
Point of Diversion SENE S17 T04N R01W ADA County Source GROUND WATER Tributary BOISE RIVER
Use: AESTHETIC 01/01 to 12/31 0.5 CFS
Total Diversion: 0.5 CFS
Date Filed: 9/16/2016
Place of Use: AESTHETIC
T04N R01W S16 SWNW
T04N R01W S17 SENE
Water bearing zone to be appropriated is from 0 to 200 feet.

63-34364

C15 LLC
4824 W FAIRVIEW AVE
BOISE, ID 83706

Point of Diversion SWSE S32 T03N R01E ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/30 0.22 CFS
Total Diversion: 0.22 CFS
Date Filed: 4/27/2017
Place of Use: IRRIGATION
T03N R01E S32 SWSE

63-34421

AMELIA WHELAN
WILLIAM WHELAN
3949 N FALCON RIDGE LN
EAGLE, ID 83616

Point of Diversion SWNE S32 T05N R01E ADA County Source GROUND WATER
Use: IRRIGATION 03/15 to 11/15 0.14 CFS
Total Diversion: 0.14 CFS
Date Filed: 7/25/2017
Place of Use: IRRIGATION
T05N R01E S32 SWNE
Total Acres: 4.5
Water bearing zone to be appropriated is from 200 to 300 feet.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81879**

CITY OF BOISE, DEPT OF PARKS & RECREATION 1104 ROYAL BLVD, BOISE, ID 83706-2898; has filed Application No. 81879 for changes to the following water rights within ADA County(s): Right No(s). 63-34438. This transfer proposes to add a second point of diversion to the water right to be located in the same lot as the original point of diversion. The City plans to divert water from a depth of 100 to 150 feet in the new well. The site is located on the southwest side of the intersection between W Franklin Rd and S Orchard St in Boise Idaho.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 81213**

PIONEER DITCH CO LTD, PO BOX 70, STAR, ID 83669; has filed Application No. 81213 for changes to the following water rights within ADA County(s): Right No(s). 63-183. The purpose of the transfer is to change the nature of use from irrigation to aesthetic storage by retiring 36 acres. This action will provide the required mitigation for consumptive losses associated with Application for Permit 63-34219. Aesthetic storage water will be used within the current Pioneer Ditch Company place of use boundary, 0.75 miles SE of Star.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 10/10/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/21/2017 and 9/28/2017



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

September 14, 2017

CITY OF BOISE
DEPT OF PARKS & RECREATION
1104 ROYAL BLVD
BOISE, ID 83706-2898

RE: Transfer No. 81879
Water Right No(s). 63-34438

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 9/21/2017 and 9/28/2017. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Rachel Neely
Administrative Assistant

CC:
SPF WATER ENGINEERING LLC
C/O LORI GRAVES
300 E MALLARD DR STE 350
BOISE, ID 83706

Hummer, Phill

From: Lori Graves <LGraves@spfwater.com>
Sent: Thursday, September 07, 2017 9:34 AM
To: Hummer, Phill
Cc: Bob Hardgrove
Subject: RE: City of Boise Transfer
Attachments: Franklin Park Well Design.pdf

Categories: More Info Emails

Good Morning Phill,

The priority date for the water right is December 31, 1951. The original SRBA claim filed by the School District described the well as 58 feet deep. The Department's well construction database indicate the majority of wells in the area, especially wells drilled in the 1950's, are less than 100 feet deep. Attached is a well design plan.

From: Hummer, Phill [mailto:Phill.Hummer@idwr.idaho.gov]
Sent: Wednesday, September 06, 2017 11:49 AM
To: Lori Graves <LGraves@spfwater.com>
Subject: City of Boise Transfer

SPF File Number 389.0840

Hi Lori,

I am working on the transfer application and ownership change for the City of Boise Parks and Rec. I was wondering you had more information on the old well such as the depth. Since the proposed new POD is within the Basin 63 Restricted Area and the Boise Front the water right will have to be conditioned to protect shallow water and LTG. However, if the historic use of the right is groundwater shallower than 200 ft than the applicant can enjoy the benefits of the historic use from the new well. Also will you provide some additional information regarding the construction plan for the new well such as the target water bearing zone and plans to ensure diverted water will not be LTG.

Phill Hummer

Water Resource Agent

Idaho Department of Water Resources

Phone: (208) 334-2190

Email: phill.hummer@idwr.idaho.gov



SPF WATER
ENGINEERING

August 18, 2017

RECEIVED
AUG 22 2017
WATER RESOURCES
WESTERN REGION

Angie Grimm
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: *Application for Transfer and Associated Change in Water Right Ownership Notice*

Dear Angie,

Enclosed on behalf of the City of Boise Department of Parks and Recreation, is an *Application for Transfer* proposing a new well on City property to provide water for the City's portion of water right 63-29435. A *Notice of Change in Water Right Ownership* is also enclosed indicating the portion of the water right the City now owns.

Since the proposed point of diversion will remain in the same authorized 40-acre tract, it appears processing without advertising is appropriate and would be greatly appreciated. This would allow the well to be drilled in time for irrigation of fresh sod the City plans to establish this fall for a new park aka Franklin Park.

Check No. 011468 for \$300 is enclosed for the filing fee, including \$200 for the transfer application and \$100 to split the water right. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Toby Norton, City of Boise Parks & Recreation Dept.

Enclosures

SPF file number: 389.0840